GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department – Srikakulam Municipality - Allegations levelled against Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality for allowing unauthorized construction in the name of Aruna Plaza in Srikakulam - Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMEN (VIG.1) DEPARTMENT

G.O.RT.No. 325 **Dated: 10-04-2018**

Read

G.O.Rt.No.324 M.A. & U.D. (Vig.I) Department, dt:10.04.2018.

****

O R D E R:

It is proposed to hold an enquiry against Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality in accordance with the procedure laid down in Rule 20 of the A.P.Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set-out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure- III and IV).

3. Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality is directed to submit a written statement of defense within (10) days of the receipt of this order.

4. Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality is further informed that, if he does not submit written statement of defense on or before the date specified in para (3) above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 or the orders issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against his ex -parte.

6. Attention of Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality is invited to Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or

(PTO)

attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings, it will be presumed that Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964.

7. The Director of Town & Country Planning, A.P., Guntur is directed to furnish the copies of documents as per Annexure-III to Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality.

8. The receipt of the G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P.V. Ramalingeswar, former Municipal Commissioner of Srikakulam Municipality **through** the Director of Municipal Administration, A.P., Guntur.
The Director of Municipal Administration, AP, Guntur
The Director of Town & Country Planning, AP, Guntur.

Copy to:

The Director General, General Administration (V&E) Department.
The Secretary to APVC, 5th Block, A.P. Secretariat, Velagapudi.
The Commissioner, Srikakulam Municipality, Srikakulam District.
The Principal Accountant General (A&E), A.P., Hyderabad.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure - I to G.O.Rt.No.325 , M.A. & U.D. (Vig.I) Department, dated:10.04.2018

Statement of articles of charges against Sri.P.V.Ramalingeswar, former Municipal Commissioner, Srikakulam Municipality

****

Article of Charge -I:

That said Sri. P. V. Ramalingeswar, during his officiation as the Commissioner in Srikakulam Municipality, had failed in initiating action to demolish the deviated construction of a Building in the name Aruna Plaza in T.S.No.967 of Relli Veedhi, Municipal Road, Opp. Forest Office, Srikakulam even after perceiving the lapses and thereby held responsible for the same.

Basis of the Charge:

The builder, M/s Aruna Constructions has applied for construction of semi commercial building plan for according approval on 17.03.2010. The Commissioner, Srikakulam Municipality has submitted plan proposals to the Vice Chairman, VUDA, Visakhapatnam to accord technical clearance for the proposal of Cellar + GF+ 3 upper floors in T.S.No.967/1 P & 2p of Srikakulam Municipality vide letter Rc.No.1015/2010/G1, dt:19.03.2010. Technical clearance was accorded by the VUDA after payment of Rs.8,45,117/- on 12.07.2010 made towards processing fee, Development charges and Notification charges. The plan was approved vide Roc.No.1015/2010/G1, dt: 04.06.2011 by the Commissioner, Srikakulam Municipality on 04.06.2011. The concerned Municipal authorities have noticed the violations/deviations in construction against the approved plan on 28.6.2012 and issued notice to the Builder on 28.06.2012. Again the said building was inspected on 30.06.2012 and issued notice. In response the builder has submitted replies, stating that the construction of the building was being done under the supervision of Civil Engineer. Hence, he has not noticed the deviations to the approved plan. Further informed that he is ready to pay necessary fees for the deviations against the approved plan.

The Commissioner, Srikakulam Municipality has issued another notice in B.A.U.C.No.65/2012/TPBO-3 Dt.26.7.2012 based on the replies of the builder, stating that the builder is responsible for the deviations to the approved plan and hence requested to remove the additional constructions.

Further, the Commissioner, Srikakulam Municipality vide Lr.RC. No.1015/2010/G1, dt.30.06.2012 has addressed the Divisional Engineer, APEPDCL, Srikakulam not to provide any power connection to the said commercial building without submission of occupancy certificate.

The Commissioner, Srikakulam Municipality vide Lr.RC.No.1015/ 2010/G1, dt.30.06.2012 has also addressed the Sub-Registrar, Srikakulam requesting not to register the floors to any other persons as

the Builder has executed mortgage in favour of Srikakulam Municipality to an extent of 335.09 Sq.Mts.

Apart from the above, a show cause notice to the Builder, Structural Engineer and Architect has also been issued vide Roc.No.1015/2010/G1, dt.31.08.2012 for the deviations in construction against the approved plan. The Municipal Authorities have also filed Petition in the Court of the Special Judicial IInd Class Magistrate, Srikakulam vide Prosecution Register No.72/2012 against the builder for payment of Rs.5,38,167/- towards deviations.

As it is thus, the Builder has submitted revised plan for according approval from the VUDA and Commissioner, Srikakulam Municipality, stating that deviations in original approved plan worked out within 10% and requested to consider the road widening relaxation and permission for construction of 3rd floor for commercial purposes. Based on the representation of the Builder, the Commissioner, Srikakulam Municipality has addressed VC, VUDA, Visakhapatnam vide Lr.Rc.No.1015/2012/G1, dt: 12.10.2012 by forwarding the revised proposals based on the technical remarks of the Town Planning Staff, wherein it was stated that the applicant has requested for relaxation for the site left over by him for the road widening to an extent of 57.93 Sq mts, which was earlier not claimed.

But the Builder has submitted the affidavit for undertaking-(D1) road widening on notarized document at the time of original plan approval with a condition that the road widening area 57.93 Sq.mt. will be surrendered to the Srikakulam Municipality without claiming any compensation towards land and the structures existing on the road widening site. Further mentioned that he should not claim any additional built up area in future.

The deviations noticed to the Building in question is as follows:

Sl. No.	Description	Required per G.O.Ms. No. 678, MA, dt. 07.09.2007	Proposed in the Plan	As On Ground	Difference
1	Front - (N)	4.00 M	5.50 M	5.50 M (2.15 M balcony covered)	0.22 M balcony excess
2	Rear - (S)	4.00 M	4.00 M	3.60 M (1.80 M balcony)	0.40 M balcony excess
3	Side open - (E)	4.00 M	4.00 M	3.60 M to 4.15 M (1.80 M balcony & 2.60 M Stair case)	0.40 M Stair Case excess

4	Side open (W)	4.00 M	2.50 M (1.50 M setback transfer to front setback)	2.15 M	
5	Tot - Lot	74.96 Sq. Mts.	76.96 Sq. Mts.	76.58 Sq. Mts.	
6	Parking	921.49 Sq.Mts.	987.23 Sq.Mts.		
7	Mortgage	335.09 Sq.Mts.	335.09 Sq.Mts.		
8	Road width	12.00 Mts.	18.30 Mts. As per ZDPs	14.03 to 15.55 Mts.	

Floor wise area :

Sl. No.	Floor	Proposed in Plan	Area as Constructed	Difference
1	Ground floor	18.53 x 45.54 = 843.86 Sq.Mts. (-) Deduct = 27.00 Sq.Mts. ---------- 816.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	75.90 Sq.Mts.
2	First floor	18.53 x 45.54 = 843.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	48.90 Sq.Mts.
3	Second floor	18.53 x 45.54 = 843.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	48.90 Sq.Mts
4	Third floor	18.53 x 45.54 = 843.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	48.90 Sq.Mts.
Total :3348.44 Sq.Mts.			3571.04 Sq.Mts.	222.60 Sq.Mts.

Balconies :

Sl. No.	Floor	Proposed in Plan	Area as Constructed	Difference
1	North	--	19.45 x 2.15 = 41.82 Sq.Mts.	41.82 Sq.Mts.
2	South	--	21.25 x 1.80 = 38.25 Sq.Mts.	38.25 Sq.Mts.
3	East	--	43.00 x 1.80 = 77.40 Sq.Mts.	77.40 Sq.Mts.
4	West	--	--	--
5	Stair Case	--	2.60 x 5.05 = 13.13 Sq.Mts.	13.13 Sq.Mts.
	Total for one floor		170.60 Sq.Mts.	170.60 Sq.Mts.
Total for all floors: 170.60 x 3 = 511.80 Sq.Mts.				511.80 Sq.Mts.

Main Building floor area	:	3571.04 Sq.Mts.
Balconies and Stair Case	:	511.80 Sq.Mts.
Total	:	4082.84 Sq.Mts.
As per approved plan	:	3384.44 Sq.Mts.

Difference in area : 734.40 Sq.Mts (excess than the approved plan.)

It is very clear from the deviations as noticed in respect of the Building in question that the charged officer has failed in initiating action to demolish the deviated construction of a Building in the name Aruna Plaza in T.S.No.967 of Relli Veedhi, Municipal Road, Opp. Forest Office, Srikakulam even after perceiving the lapses at initial stage and hence disciplinary action is inevitable.

Article of Charge —II:

That the aforesaid officer, while functioning in the aforesaid post during the aforesaid period of his officiation in the aforesaid office, had failed to discharge his legitimate duties with due care and diligence and thereby held responsible for the same.

Basis of the Charge :

As evident from the above charge, the charged officer did not care to perform his duties properly and allowed the unauthorized construction in disregard to the rules, resulted in cropping up of unauthorized building as indicated in Articles of Charge-I, thereby failed in discharging his legitimate duties with due care and diligence.

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure - II to G.O.Rt.No.325 , M.A. & U.D. (Vig.I) Department, dated:10.04.2018

Statement of Imputation of misbehaviour / misconduct against Sri.P.V. Ramalingeswar, former Municipal Commissioner, Srikakulam Municipality.

****

On credible information, the Vigilance and Enforcement Authorities have verified the Construction of Building Complex in the name Aruna Plaza, in T.S.No.967 of Relli Veedhi, Municipal Road, Opp. Forest Office, Srikakulam.

It has been observed by the V&E authorities that the builder, M/s Aruna Constructions has submitted Plan proposals for Cellar + Ground floor + three upper floors to the Commissioner, Srikakulam Municipality in a site admeasuring to an extent of 1499.15 Sq.Mts. The Commissioner, Srikakulam Municipality has approved the plan vide BA No.1051/2010/G1 on 04.06.2011 based on the technical clearance given by VUDA. The Builder has started the construction work in total deviation to the approved plan in connivance with the Town Planning Staff in Srikakulam Municipality.

The charged officer during the course of his officiation at said Municipality has not initiated any prompt and timely action to demolish said unauthorized construction at initial stage of its construction made in total deviation to the approved plan, even after perceiving the lapses.

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-III to G.O.Rt.No.325, M.A. & U.D. (Vig.I) Department, dated:10.04.2018

List of documents by which the articles of charges framed against Sri. P. V. Ramalingeswar, former Municipal Commissioner, Srikakulam Municipality are proposed to be sustained:

****

1. Files, where in Building approvals accorded along with U.C. file and court file, if any.
2. A.P.M. Act, 1965.
3. Building Rules and Zoning Regulations in vogue.
4. G.Os relates to the subject matter in vogue.
5. G.A (V&E) Dept., V.R No.13 (C.No.2115/V&E/D1/2012), dated: 18.02.2016

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure - IV to G.O.Rt.No.325, M.A. & U.D. (Vig.I) Department, dated:10.04.2018

List of witnesses by whom the articles of charge framed against Sri. P. V. Ramalingeswar, former Municipal Commissioner, Srikakulam Municipality are proposed to be sustained:

-NIL-

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER